RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2181

REMARKS

Claims 1-22 are pending. Claims 1-6, and 10-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,542,035 (hereinafter "Kikinis") in view of U.S. Pat. No. 5,832,283 (Chou). Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis and Chou and further in view of U.S. Pat. No. 6,317,593 ("Vossler") and/or U.S. Pat. No. 6,209,011 ("Vong"). Applicants respectfully submit that the claims are patentable over the art of record for the reasons articulated below.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-6, and 10-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis in view of Chou. The action recognizes that Kikinis fails to disclose the second set of data and an appointment register as recited in claim 1 of the invention. However, Chou teaches a scheduling database 155 that contains scheduling records used for task scheduling. Col. 6, lines 41-42. Chou uses the scheduling database to monitor application processes (i.e., tasks) and maintain information needed to restart them and restore their internal state, should it be necessary. By calling functions provided by the server process, applications can indicate the conditions under which they should be restarted, can save operation state information to be used upon restart, can schedule future execution of themselves or other application, and can schedule messages to be delivered to themselves or other applications. *See,* Col. 5, lines 1-14.

The scheduling mechanism is provided for the purpose of protecting against system failures. By calling functions provided by the server process, applications can indicate the conditions under which they should be restarted, can save operational state information to be

used upon restart, can schedule future execution of themselves or other applications, and can schedule messages to be delivered to themselves or other applications. By saving their operational states, applications are able to guard against power failures and software crashes. Furthermore, once the state information is saved, an application can schedule its future execution and then deliberately exit. When the scheduled time or other triggering event occurs, the application will be restarted and can recover its previous operational state and continue execution. Col. 5, lines 9-16.

In contrast, claim 1 recites an appointment register that comprises future times. It is repugnant to the meaning of the word "appointment" to consider it to mean a list of scheduled tasks because appointments are created for the benefit of people, not machines. Accordingly, it would not have been obvious to one skilled in the art at the time the invention was made to include the teaching of Chou in the Kikinis system in order to allow the system wake-up when the timer expired or another event, which occurs first. Thus, independent claim 1 is believed to be allowable over the cited art.

For at least the reasons stated above, Applicants respectfully submit that the rejection of independent claim 1 (and dependent claim 6) is improper and that independent claim 1 and dependent claim 6 are allowable.

Regarding claim 2, Kikinis (as cited by the Office Action) fails to teach or suggest an application that is configured to not bring the mobile device out of the low power consumption state if the mobile device has been shut off by the user-actuated hard switch. Rather, Kikinis teaches the use of a keyboard controller (KBC 23) that actuates (i.e., turns on and off) a "solid-state switch" to turn off power to the power supply. Col. 2, lines 60-63. Even assuming, *arguendo*, that a solid-state switch is "hard," it still is not "user-actuated" because solid-state

8

switches rely upon either bias currents or electrical fields to close the switch, rather than a user's fingers, for example. Thus, the rejection of dependent claim 2 is improper and dependent claim 2 is allowable. Dependent claim 2 is also allowable at least for the reasons given for the claim from which it depends.

Regarding claim 3, Kikinis (as cited by the Office Action) fails to teach or suggest a user interface configured to receive the second set of data, wherein the second set of data includes future appointment times. Rather, Kikinis teaches the use of a user interface to allow a user to modify the parameters of Figures 2 and 3 of Kikinis, which only address the first set of data. Kikinis does not teach or suggest that the UI could provide the other times in the second set of data including future appointment times as required by claim 3. Kikinis instead teaches away from manual entry of the other times in the second set of data by providing routines that **automatically** record user history to modify a wake time. Chou teaches away because it discloses a task list that is for the benefit of the machine (computer) itself for guarding against crashes. Thus, the rejection of dependent claim 3 is improper and dependent claim 3 is allowable. Dependent claim 3 is also allowable at least for the reasons given for the claim from which it depends.

Regarding claims 4-5, Kikinis (as cited by the Office Action) fails to teach or suggest a user interface configured to provide a countdown mechanism to allow a user prompt and response to cause an abort signal to be sent to the application prior to putting the mobile device into (or out of) the low power consumption state. Rather, Kikinis teaches using TCPM routines to automatically update the earlier or later shutdowns. In fact, Kikinis does not teach prompting the user to determine whether to abort the shutdown or wake up. Col. 3, lines 62-64. This teaches away from providing a user interface configured to provide a countdown mechanism to

9

allow a user prompt and response to cause an abort signal to be sent to the application prior to putting the mobile device into the low power consumption state.

The office action asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made for the Kikinis system to necessarily abort the placing of the device into or out of the low power consumption state because Kikinis teaches a system that provides an easy adjustment of the startup and shutdown times to accommodate shift work, holidays, weekends, etc. and thereby provide both flexibility and energy efficiency. Applicants traverse this assertion because the mere adjustment of the schedules (in relation to predictable calendar events) does not even suggest presenting a user with an option to abort the shutdown operation. Furthermore, a rejection based on the procured advantages of flexibility and energy efficiency would preclude *any* invention that sought these benefits. Thus, the rejection of dependent claims 4-5 is improper and dependent claims 4-5 are allowable. Dependent claims 4-5 are also allowable at least for the reasons given for the claims from which they depend.
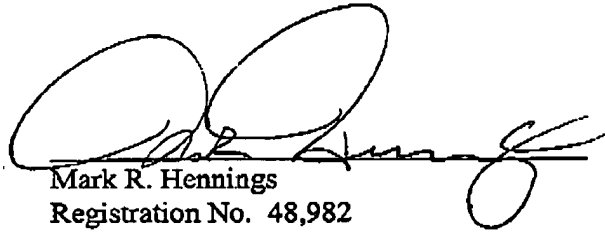
Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis in view of Vossler and/or Vong. The rejection of claims 7-9 is improper because claims 7-9 are at least allowable for the reasons given above for the claim 6. Furthermore, Applicant maintains the Vong reference is invalid because both Vong and the present invention are assigned to the same corporation, and were subject to assignment to the same corporation at the time the invention was made. (See declaration dated August 9, 2002.)

Claims 10-22 recite method steps substantially corresponding to the system claims 1-6, although claims 10-22 are substantially different in other ways. Thus, the rejection of claims 10-22 is improper and claims 10-22 are submitted to be allowable for at least the reasons given above for system claims 1-6.

10

Applicants believe the application and pending claims are conditioned for allowance.

Respectfully submitted,

MERCHANT & GOULD P.C.

Mark R. Hennings
Registration No. 48,982
Direct Dial: 206.342.6289

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

CUSTOMER NO. 27488

11